

1 AN ACT in relation to vehicles.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 1-97.5, 2-118.1, 6-206, 6-208.1, 6-517,
6 6-520, 11-500, 11-501, 11-501.1, 11-501.2, 11-501.6 as
7 follows:

8 (625 ILCS 5/1-197.5) (from Ch. 95 1/2, par. 1-203.1)

9 Sec. 1-197.5. Statutory summary alcohol or other drug
10 related suspension of driver's privileges. The withdrawal by
11 the circuit court of a person's license or privilege to
12 operate a motor vehicle on the public highways for the
13 periods provided in Section 6-208.1. Reinstatement after the
14 suspension period shall occur after all appropriate fees have
15 been paid, unless the court notifies the Secretary of State
16 that the person should be disqualified. The bases for this
17 withdrawal of driving privileges shall be:

18 (1) the individual's refusal to submit to or
19 failure to complete a chemical test or tests following an
20 arrest for the offense of driving under the influence of
21 alcohol, other drugs, or intoxicating compounds, or any
22 combination thereof; ~~or~~

23 (2) submission to such a test or tests indicating
24 an alcohol concentration of 0.08 or more as provided in
25 Section 11-501.1 of this Code; or

26 (3) submission to a test or tests indicating an
27 alcohol concentration of 0.05 or more if subsection (a-1)
28 of Section 11-501 of this Code applies to the person.

29 (Source: P.A. 92-834, eff. 8-22-02.)

30 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

1 Sec. 2-118.1. Opportunity for hearing; statutory summary
2 alcohol or other drug related suspension.

3 (a) A statutory summary suspension of driving privileges
4 under Section 11-501.1 shall not become effective until the
5 person is notified in writing of the impending suspension and
6 informed that he may request a hearing in the circuit court
7 of venue under paragraph (b) of this Section and the
8 statutory summary suspension shall become effective as
9 provided in Section 11-501.1.

10 (b) Within 90 days after the notice of statutory summary
11 suspension served under Section 11-501.1, the person may make
12 a written request for a judicial hearing in the circuit court
13 of venue. The request to the circuit court shall state the
14 grounds upon which the person seeks to have the statutory
15 summary suspension rescinded. Within 30 days after receipt
16 of the written request or the first appearance date on the
17 Uniform Traffic Ticket issued pursuant to a violation of
18 Section 11-501, or a similar provision of a local ordinance,
19 the hearing shall be conducted by the circuit court having
20 jurisdiction. This judicial hearing, request, or process
21 shall not stay or delay the statutory summary suspension.
22 The hearings shall proceed in the court in the same manner as
23 in other civil proceedings.

24 The hearing may be conducted upon a review of the law
25 enforcement officer's own official reports; provided however,
26 that the person may subpoena the officer. Failure of the
27 officer to answer the subpoena shall be considered grounds
28 for a continuance if in the court's discretion the
29 continuance is appropriate.

30 The scope of the hearing shall be limited to the issues
31 of:

32 1. Whether the person was placed under arrest for
33 an offense as defined in Section 11-501, or a similar
34 provision of a local ordinance, as evidenced by the

1 issuance of a Uniform Traffic Ticket, or issued a Uniform
2 Traffic Ticket out of state as provided in subsection (a)
3 of Section 11-501.1; and

4 2. Whether the officer had reasonable grounds to
5 believe that the person was driving or in actual physical
6 control of a motor vehicle upon a highway while under the
7 influence of alcohol, other drug, or combination of both;
8 and

9 3. Whether the person, after being advised by the
10 officer that the privilege to operate a motor vehicle
11 would be suspended if the person refused to submit to and
12 complete the test or tests, did refuse to submit to or
13 complete the test or tests to determine the person's
14 alcohol or drug concentration; or

15 4. Whether the person, after being advised by the
16 officer that the privilege to operate a motor vehicle
17 would be suspended if the person submits to a chemical
18 test, or tests, and the test discloses an alcohol
19 concentration of 0.08 or more, or an alcohol
20 concentration of 0.05 or more if subsection (a-1) of
21 Section 11-501 of this Code applies to the person, or any
22 amount of a drug, substance, or compound in the person's
23 blood or urine resulting from the unlawful use or
24 consumption of cannabis listed in the Cannabis Control
25 Act, a controlled substance listed in the Illinois
26 Controlled Substances Act, or an intoxicating compound as
27 listed in the Use of Intoxicating Compounds Act, and the
28 person did submit to and complete the test or tests that
29 determined an alcohol concentration of 0.08 or more, or
30 an alcohol concentration of 0.05 or more if subsection
31 (a-1) of Section 11-501 of this Code applies to the
32 person.

33 Upon the conclusion of the judicial hearing, the circuit
34 court shall sustain or rescind the statutory summary

1 suspension and immediately notify the Secretary of State.
2 Reports received by the Secretary of State under this Section
3 shall be privileged information and for use only by the
4 courts, police officers, and Secretary of State.

5 (Source: P.A. 92-458, eff. 8-22-01.)

6 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

7 Sec. 6-206. Discretionary authority to suspend or revoke
8 license or permit; Right to a hearing.

9 (a) The Secretary of State is authorized to suspend or
10 revoke the driving privileges of any person without
11 preliminary hearing upon a showing of the person's records or
12 other sufficient evidence that the person:

13 1. Has committed an offense for which mandatory
14 revocation of a driver's license or permit is required
15 upon conviction;

16 2. Has been convicted of not less than 3 offenses
17 against traffic regulations governing the movement of
18 vehicles committed within any 12 month period. No
19 revocation or suspension shall be entered more than 6
20 months after the date of last conviction;

21 3. Has been repeatedly involved as a driver in
22 motor vehicle collisions or has been repeatedly convicted
23 of offenses against laws and ordinances regulating the
24 movement of traffic, to a degree that indicates lack of
25 ability to exercise ordinary and reasonable care in the
26 safe operation of a motor vehicle or disrespect for the
27 traffic laws and the safety of other persons upon the
28 highway;

29 4. Has by the unlawful operation of a motor vehicle
30 caused or contributed to an accident resulting in death
31 or injury requiring immediate professional treatment in a
32 medical facility or doctor's office to any person, except
33 that any suspension or revocation imposed by the

1 Secretary of State under the provisions of this
2 subsection shall start no later than 6 months after being
3 convicted of violating a law or ordinance regulating the
4 movement of traffic, which violation is related to the
5 accident, or shall start not more than one year after the
6 date of the accident, whichever date occurs later;

7 5. Has permitted an unlawful or fraudulent use of a
8 driver's license, identification card, or permit;

9 6. Has been lawfully convicted of an offense or
10 offenses in another state, including the authorization
11 contained in Section 6-203.1, which if committed within
12 this State would be grounds for suspension or revocation;

13 7. Has refused or failed to submit to an
14 examination provided for by Section 6-207 or has failed
15 to pass the examination;

16 8. Is ineligible for a driver's license or permit
17 under the provisions of Section 6-103;

18 9. Has made a false statement or knowingly
19 concealed a material fact or has used false information
20 or identification in any application for a license,
21 identification card, or permit;

22 10. Has possessed, displayed, or attempted to
23 fraudulently use any license, identification card, or
24 permit not issued to the person;

25 11. Has operated a motor vehicle upon a highway of
26 this State when the person's driving privilege or
27 privilege to obtain a driver's license or permit was
28 revoked or suspended unless the operation was authorized
29 by a judicial driving permit, probationary license to
30 drive, or a restricted driving permit issued under this
31 Code;

32 12. Has submitted to any portion of the application
33 process for another person or has obtained the services
34 of another person to submit to any portion of the

1 application process for the purpose of obtaining a
2 license, identification card, or permit for some other
3 person;

4 13. Has operated a motor vehicle upon a highway of
5 this State when the person's driver's license or permit
6 was invalid under the provisions of Sections 6-107.1 and
7 6-110;

8 14. Has committed a violation of Section 6-301,
9 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or
10 14B of the Illinois Identification Card Act;

11 15. Has been convicted of violating Section 21-2 of
12 the Criminal Code of 1961 relating to criminal trespass
13 to vehicles in which case, the suspension shall be for
14 one year;

15 16. Has been convicted of violating Section 11-204
16 of this Code relating to fleeing from a police officer;

17 17. Has refused to submit to a test, or tests, as
18 required under Section 11-501.1 of this Code and the
19 person has not sought a hearing as provided for in
20 Section 11-501.1;

21 18. Has, since issuance of a driver's license or
22 permit, been adjudged to be afflicted with or suffering
23 from any mental disability or disease;

24 19. Has committed a violation of paragraph (a) or
25 (b) of Section 6-101 relating to driving without a
26 driver's license;

27 20. Has been convicted of violating Section 6-104
28 relating to classification of driver's license;

29 21. Has been convicted of violating Section 11-402
30 of this Code relating to leaving the scene of an accident
31 resulting in damage to a vehicle in excess of \$1,000, in
32 which case the suspension shall be for one year;

33 22. Has used a motor vehicle in violating paragraph
34 (3), (4), (7), or (9) of subsection (a) of Section 24-1

1 of the Criminal Code of 1961 relating to unlawful use of
2 weapons, in which case the suspension shall be for one
3 year;

4 23. Has, as a driver, been convicted of committing
5 a violation of paragraph (a) of Section 11-502 of this
6 Code for a second or subsequent time within one year of a
7 similar violation;

8 24. Has been convicted by a court-martial or
9 punished by non-judicial punishment by military
10 authorities of the United States at a military
11 installation in Illinois of or for a traffic related
12 offense that is the same as or similar to an offense
13 specified under Section 6-205 or 6-206 of this Code;

14 25. Has permitted any form of identification to be
15 used by another in the application process in order to
16 obtain or attempt to obtain a license, identification
17 card, or permit;

18 26. Has altered or attempted to alter a license or
19 has possessed an altered license, identification card, or
20 permit;

21 27. Has violated Section 6-16 of the Liquor Control
22 Act of 1934;

23 28. Has been convicted of the illegal possession,
24 while operating or in actual physical control, as a
25 driver, of a motor vehicle, of any controlled substance
26 prohibited under the Illinois Controlled Substances Act
27 or any cannabis prohibited under the provisions of the
28 Cannabis Control Act, in which case the person's driving
29 privileges shall be suspended for one year, and any
30 driver who is convicted of a second or subsequent
31 offense, within 5 years of a previous conviction, for the
32 illegal possession, while operating or in actual physical
33 control, as a driver, of a motor vehicle, of any
34 controlled substance prohibited under the provisions of

1 the Illinois Controlled Substances Act or any cannabis
2 prohibited under the Cannabis Control Act shall be
3 suspended for 5 years. Any defendant found guilty of this
4 offense while operating a motor vehicle, shall have an
5 entry made in the court record by the presiding judge
6 that this offense did occur while the defendant was
7 operating a motor vehicle and order the clerk of the
8 court to report the violation to the Secretary of State;

9 29. Has been convicted of the following offenses
10 that were committed while the person was operating or in
11 actual physical control, as a driver, of a motor vehicle:
12 criminal sexual assault, predatory criminal sexual
13 assault of a child, aggravated criminal sexual assault,
14 criminal sexual abuse, aggravated criminal sexual abuse,
15 juvenile pimping, soliciting for a juvenile prostitute
16 and the manufacture, sale or delivery of controlled
17 substances or instruments used for illegal drug use or
18 abuse in which case the driver's driving privileges shall
19 be suspended for one year;

20 30. Has been convicted a second or subsequent time
21 for any combination of the offenses named in paragraph 29
22 of this subsection, in which case the person's driving
23 privileges shall be suspended for 5 years;

24 31. Has refused to submit to a test as required by
25 Section 11-501.6 or has submitted to a test resulting in
26 an alcohol concentration of 0.08 or more, or an alcohol
27 concentration of 0.05 or more if subsection (a-1) of
28 Section 11-501 of this Code applies to the person, or any
29 amount of a drug, substance, or compound resulting from
30 the unlawful use or consumption of cannabis as listed in
31 the Cannabis Control Act, a controlled substance as
32 listed in the Illinois Controlled Substances Act, or an
33 intoxicating compound as listed in the Use of
34 Intoxicating Compounds Act, in which case the penalty

1 shall be as prescribed in Section 6-208.1;

2 32. Has been convicted of Section 24-1.2 of the
3 Criminal Code of 1961 relating to the aggravated
4 discharge of a firearm if the offender was located in a
5 motor vehicle at the time the firearm was discharged, in
6 which case the suspension shall be for 3 years;

7 33. Has as a driver, who was less than 21 years of
8 age on the date of the offense, been convicted a first
9 time of a violation of paragraph (a) of Section 11-502 of
10 this Code or a similar provision of a local ordinance;

11 34. Has committed a violation of Section 11-1301.5
12 of this Code;

13 35. Has committed a violation of Section 11-1301.6
14 of this Code;

15 36. Is under the age of 21 years at the time of
16 arrest and has been convicted of not less than 2 offenses
17 against traffic regulations governing the movement of
18 vehicles committed within any 24 month period. No
19 revocation or suspension shall be entered more than 6
20 months after the date of last conviction;

21 37. Has committed a violation of subsection (c) of
22 Section 11-907 of this Code; ~~or~~

23 38. Has been convicted of a violation of Section
24 6-20 of the Liquor Control Act of 1934 or a similar
25 provision of a local ordinance; or.

26 39. ~~38.~~ Has committed a second or subsequent
27 violation of Section 11-1201 of this Code.

28 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
29 and 27 of this subsection, license means any driver's
30 license, any traffic ticket issued when the person's driver's
31 license is deposited in lieu of bail, a suspension notice
32 issued by the Secretary of State, a duplicate or corrected
33 driver's license, a probationary driver's license or a
34 temporary driver's license.

1 (b) If any conviction forming the basis of a suspension
2 or revocation authorized under this Section is appealed, the
3 Secretary of State may rescind or withhold the entry of the
4 order of suspension or revocation, as the case may be,
5 provided that a certified copy of a stay order of a court is
6 filed with the Secretary of State. If the conviction is
7 affirmed on appeal, the date of the conviction shall relate
8 back to the time the original judgment of conviction was
9 entered and the 6 month limitation prescribed shall not
10 apply.

11 (c) 1. Upon suspending or revoking the driver's license
12 or permit of any person as authorized in this Section,
13 the Secretary of State shall immediately notify the
14 person in writing of the revocation or suspension. The
15 notice to be deposited in the United States mail, postage
16 prepaid, to the last known address of the person.

17 2. If the Secretary of State suspends the driver's
18 license of a person under subsection 2 of paragraph (a)
19 of this Section, a person's privilege to operate a
20 vehicle as an occupation shall not be suspended, provided
21 an affidavit is properly completed, the appropriate fee
22 received, and a permit issued prior to the effective date
23 of the suspension, unless 5 offenses were committed, at
24 least 2 of which occurred while operating a commercial
25 vehicle in connection with the driver's regular
26 occupation. All other driving privileges shall be
27 suspended by the Secretary of State. Any driver prior to
28 operating a vehicle for occupational purposes only must
29 submit the affidavit on forms to be provided by the
30 Secretary of State setting forth the facts of the
31 person's occupation. The affidavit shall also state the
32 number of offenses committed while operating a vehicle in
33 connection with the driver's regular occupation. The
34 affidavit shall be accompanied by the driver's license.

1 Upon receipt of a properly completed affidavit, the
2 Secretary of State shall issue the driver a permit to
3 operate a vehicle in connection with the driver's regular
4 occupation only. Unless the permit is issued by the
5 Secretary of State prior to the date of suspension, the
6 privilege to drive any motor vehicle shall be suspended
7 as set forth in the notice that was mailed under this
8 Section. If an affidavit is received subsequent to the
9 effective date of this suspension, a permit may be issued
10 for the remainder of the suspension period.

11 The provisions of this subparagraph shall not apply
12 to any driver required to obtain a commercial driver's
13 license under Section 6-507 during the period of a
14 disqualification of commercial driving privileges under
15 Section 6-514.

16 Any person who falsely states any fact in the
17 affidavit required herein shall be guilty of perjury
18 under Section 6-302 and upon conviction thereof shall
19 have all driving privileges revoked without further
20 rights.

21 3. At the conclusion of a hearing under Section
22 2-118 of this Code, the Secretary of State shall either
23 rescind or continue an order of revocation or shall
24 substitute an order of suspension; or, good cause
25 appearing therefor, rescind, continue, change, or extend
26 the order of suspension. If the Secretary of State does
27 not rescind the order, the Secretary may upon
28 application, to relieve undue hardship, issue a
29 restricted driving permit granting the privilege of
30 driving a motor vehicle between the petitioner's
31 residence and petitioner's place of employment or within
32 the scope of his employment related duties, or to allow
33 transportation for the petitioner, or a household member
34 of the petitioner's family, to receive necessary medical

1 care and if the professional evaluation indicates,
2 provide transportation for alcohol remedial or
3 rehabilitative activity, or for the petitioner to attend
4 classes, as a student, in an accredited educational
5 institution; if the petitioner is able to demonstrate
6 that no alternative means of transportation is reasonably
7 available and the petitioner will not endanger the public
8 safety or welfare.

9 If a person's license or permit has been revoked or
10 suspended due to 2 or more convictions of violating
11 Section 11-501 of this Code or a similar provision of a
12 local ordinance or a similar out-of-state offense,
13 arising out of separate occurrences, that person, if
14 issued a restricted driving permit, may not operate a
15 vehicle unless it has been equipped with an ignition
16 interlock device as defined in Section 1-129.1.

17 If a person's license or permit has been revoked or
18 suspended 2 or more times within a 10 year period due to
19 a single conviction of violating Section 11-501 of this
20 Code or a similar provision of a local ordinance or a
21 similar out-of-state offense, and a statutory summary
22 suspension under Section 11-501.1, or 2 or more statutory
23 summary suspensions, or combination of 2 offenses, or of
24 an offense and a statutory summary suspension, arising
25 out of separate occurrences, that person, if issued a
26 restricted driving permit, may not operate a vehicle
27 unless it has been equipped with an ignition interlock
28 device as defined in Section 1-129.1. The person must
29 pay to the Secretary of State DUI Administration Fund an
30 amount not to exceed \$20 per month. The Secretary shall
31 establish by rule the amount and the procedures, terms,
32 and conditions relating to these fees. If the restricted
33 driving permit was issued for employment purposes, then
34 this provision does not apply to the operation of an

1 occupational vehicle owned or leased by that person's
2 employer. In each case the Secretary may issue a
3 restricted driving permit for a period deemed
4 appropriate, except that all permits shall expire within
5 one year from the date of issuance. The Secretary may
6 not, however, issue a restricted driving permit to any
7 person whose current revocation is the result of a second
8 or subsequent conviction for a violation of Section
9 11-501 of this Code or a similar provision of a local
10 ordinance relating to the offense of operating or being
11 in physical control of a motor vehicle while under the
12 influence of alcohol, other drug or drugs, intoxicating
13 compound or compounds, or any similar out-of-state
14 offense, or any combination of those offenses, until the
15 expiration of at least one year from the date of the
16 revocation. A restricted driving permit issued under
17 this Section shall be subject to cancellation,
18 revocation, and suspension by the Secretary of State in
19 like manner and for like cause as a driver's license
20 issued under this Code may be cancelled, revoked, or
21 suspended; except that a conviction upon one or more
22 offenses against laws or ordinances regulating the
23 movement of traffic shall be deemed sufficient cause for
24 the revocation, suspension, or cancellation of a
25 restricted driving permit. The Secretary of State may,
26 as a condition to the issuance of a restricted driving
27 permit, require the applicant to participate in a
28 designated driver remedial or rehabilitative program.
29 The Secretary of State is authorized to cancel a
30 restricted driving permit if the permit holder does not
31 successfully complete the program.

32 (c-5) The Secretary of State may, as a condition of the
33 reissuance of a driver's license or permit to an applicant
34 whose driver's license or permit has been suspended before he

1 or she reached the age of 18 years pursuant to any of the
2 provisions of this Section, require the applicant to
3 participate in a driver remedial education course and be
4 retested under Section 6-109 of this Code.

5 (d) This Section is subject to the provisions of the
6 Drivers License Compact.

7 (e) The Secretary of State shall not issue a restricted
8 driving permit to a person under the age of 16 years whose
9 driving privileges have been suspended or revoked under any
10 provisions of this Code.

11 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
12 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.
13 1-1-03; 92-814, eff. 1-1-03; revised 8-26-02.)

14 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

15 Sec. 6-208.1. Period of statutory summary alcohol, other
16 drug, or intoxicating compound related suspension.

17 (a) Unless the statutory summary suspension has been
18 rescinded, any person whose privilege to drive a motor
19 vehicle on the public highways has been summarily suspended,
20 pursuant to Section 11-501.1, shall not be eligible for
21 restoration of the privilege until the expiration of:

22 1. Six months from the effective date of the
23 statutory summary suspension for a refusal or failure to
24 complete a test or tests to determine the alcohol, drug,
25 or intoxicating compound concentration, pursuant to
26 Section 11-501.1; or

27 2. Three months from the effective date of the
28 statutory summary suspension imposed following the
29 person's submission to a chemical test which disclosed an
30 alcohol concentration of 0.08 or more, or an alcohol
31 concentration of 0.05 or more if subsection (a-1) of
32 Section 11-501 of this Code applies to the person, or any
33 amount of a drug, substance, or intoxicating compound in

1 such person's breath, blood, or urine resulting from the
2 unlawful use or consumption of cannabis listed in the
3 Cannabis Control Act, a controlled substance listed in
4 the Illinois Controlled Substances Act, or an
5 intoxicating compound listed in the Use of Intoxicating
6 Compounds Act, pursuant to Section 11-501.1; or

7 3. Three years from the effective date of the
8 statutory summary suspension for any person other than a
9 first offender who refuses or fails to complete a test or
10 tests to determine the alcohol, drug, or intoxicating
11 compound concentration pursuant to Section 11-501.1; or

12 4. One year from the effective date of the summary
13 suspension imposed for any person other than a first
14 offender following submission to a chemical test which
15 disclosed an alcohol concentration of 0.08 or more
16 pursuant to Section 11-501.1, or an alcohol concentration
17 of 0.05 or more if subsection (a-1) of Section 11-501 of
18 this Code applies to the person, or any amount of a drug,
19 substance or compound in such person's blood or urine
20 resulting from the unlawful use or consumption of
21 cannabis listed in the Cannabis Control Act, a controlled
22 substance listed in the Illinois Controlled Substances
23 Act, or an intoxicating compound listed in the Use of
24 Intoxicating Compounds Act.

25 (b) Following a statutory summary suspension of the
26 privilege to drive a motor vehicle under Section 11-501.1,
27 full driving privileges shall be restored unless the person
28 is otherwise disqualified by this Code. If the court has
29 reason to believe that the person's driving privilege should
30 not be restored, the court shall notify the Secretary of
31 State prior to the expiration of the statutory summary
32 suspension so appropriate action may be taken pursuant to
33 this Code.

34 (c) Full driving privileges may not be restored until

1 all applicable reinstatement fees, as provided by this Code,
2 have been paid to the Secretary of State and the appropriate
3 entry made to the driver's record.

4 (d) Where a driving privilege has been summarily
5 suspended under Section 11-501.1 and the person is
6 subsequently convicted of violating Section 11-501, or a
7 similar provision of a local ordinance, for the same
8 incident, any period served on statutory summary suspension
9 shall be credited toward the minimum period of revocation of
10 driving privileges imposed pursuant to Section 6-205.

11 (e) Following a statutory summary suspension of driving
12 privileges pursuant to Section 11-501.1, for a first
13 offender, the circuit court may, after at least 30 days from
14 the effective date of the statutory summary suspension, issue
15 a judicial driving permit as provided in Section 6-206.1.

16 (f) Subsequent to an arrest of a first offender, for any
17 offense as defined in Section 11-501 or a similar provision
18 of a local ordinance, following a statutory summary
19 suspension of driving privileges pursuant to Section
20 11-501.1, for a first offender, the circuit court may issue a
21 court order directing the Secretary of State to issue a
22 judicial driving permit as provided in Section 6-206.1.
23 However, this JDP shall not be effective prior to the 31st
24 day of the statutory summary suspension.

25 (g) Following a statutory summary suspension of driving
26 privileges pursuant to Section 11-501.1 where the person was
27 not a first offender, as defined in Section 11-500, the
28 Secretary of State may not issue a restricted driving permit.

29 (h) (Blank).

30 (Source: P.A. 91-357, eff. 7-29-99; 92-248, eff. 8-3-01.)

31 (625 ILCS 5/6-517) (from Ch. 95 1/2, par. 6-517)
32 Sec. 6-517. Commercial driver; implied consent warnings.

33 (a) Any person driving a commercial motor vehicle who is

1 requested by a police officer, pursuant to Section 6-516, to
2 submit to a chemical test or tests to determine the alcohol
3 concentration or any amount of a drug, substance, or compound
4 resulting from the unlawful use or consumption of cannabis
5 listed in the Cannabis Control Act or a controlled substance
6 listed in the Illinois Controlled Substances Act in such
7 person's system, must be warned by the police officer
8 requesting the test or tests that a refusal to submit to the
9 test or tests will result in that person being immediately
10 placed out-of-service for a period of 24 hours and being
11 disqualified from operating a commercial motor vehicle for a
12 period of not less than 12 months; the person shall also be
13 warned that if such person submits to testing which discloses
14 an alcohol concentration of greater than 0.00 but less than
15 0.04 or any amount of a drug, substance, or compound in such
16 person's blood or urine resulting from the unlawful use or
17 consumption of cannabis listed in the Cannabis Control Act or
18 a controlled substance listed in the Illinois Controlled
19 Substances Act, such person shall be placed immediately
20 out-of-service for a period of 24 hours; if the person
21 submits to testing which discloses an alcohol concentration
22 of 0.04 or more or any amount of a drug, substance, or
23 compound in such person's blood or urine resulting from the
24 unlawful use or consumption of cannabis listed in the
25 Cannabis Control Act or a controlled substance listed in the
26 Illinois Controlled Substances Act, such person shall be
27 placed immediately out-of-service and disqualified from
28 driving a commercial motor vehicle for a period of at least
29 12 months; also the person shall be warned that if such
30 testing discloses an alcohol concentration of 0.08₇ or more,
31 or an alcohol concentration of 0.05 or more if subsection
32 (a-1) of Section 11-501 of this Code applies to the person,
33 or any amount of a drug, substance, or compound in such
34 person's blood or urine resulting from the unlawful use or

1 consumption of cannabis listed in the Cannabis Control Act or
2 a controlled substance listed in the Illinois Controlled
3 Substances Act, in addition to the person being immediately
4 placed out-of-service and disqualified for 12 months as
5 provided in this UCDLA, the results of such testing shall
6 also be admissible in prosecutions for violations of Section
7 11-501 of this Code, or similar violations of local
8 ordinances, however, such results shall not be used to impose
9 any driving sanctions pursuant to Section 11-501.1 of this
10 Code.

11 The person shall also be warned that any disqualification
12 imposed pursuant to this Section, shall be for life for any
13 such offense or refusal, or combination thereof; including a
14 conviction for violating Section 11-501 while driving a
15 commercial motor vehicle, or similar provisions of local
16 ordinances, committed a second time involving separate
17 incidents.

18 (b) If the person refuses or fails to complete testing,
19 or submits to a test which discloses an alcohol concentration
20 of at least 0.04, or any amount of a drug, substance, or
21 compound in such person's blood or urine resulting from the
22 unlawful use or consumption of cannabis listed in the
23 Cannabis Control Act or a controlled substance listed in the
24 Illinois Controlled Substances Act, the law enforcement
25 officer must submit a Sworn Report to the Secretary of State,
26 in a form prescribed by the Secretary, certifying that the
27 test or tests was requested pursuant to paragraph (a); that
28 the person was warned, as provided in paragraph (a) and that
29 such person refused to submit to or failed to complete
30 testing, or submitted to a test which disclosed an alcohol
31 concentration of 0.04 or more, or any amount of a drug,
32 substance, or compound in such person's blood or urine
33 resulting from the unlawful use or consumption of cannabis
34 listed in the Cannabis Control Act or a controlled substance

1 listed in the Illinois Controlled Substances Act.

2 (c) The police officer submitting the Sworn Report under
3 this Section shall serve notice of the CDL disqualification
4 on the person and such CDL disqualification shall be
5 effective as provided in paragraph (d). In cases where the
6 blood alcohol concentration of 0.04 or more, or any amount of
7 a drug, substance, or compound in such person's blood or
8 urine resulting from the unlawful use or consumption of
9 cannabis listed in the Cannabis Control Act or a controlled
10 substance listed in the Illinois Controlled Substances Act,
11 is established by subsequent analysis of blood or urine
12 collected at the time of the request, the police officer
13 shall give notice as provided in this Section or by deposit
14 in the United States mail of such notice as provided in this
15 Section or by deposit in the United States mail of such
16 notice in an envelope with postage prepaid and addressed to
17 such person's domiciliary address as shown on the Sworn
18 Report and the CDL disqualification shall begin as provided
19 in paragraph (d).

20 (d) The CDL disqualification referred to in this Section
21 shall take effect on the 46th day following the date the
22 Sworn Report was given to the affected person.

23 (e) Upon receipt of the Sworn Report from the police
24 officer, the Secretary of State shall disqualify the person
25 from driving any commercial motor vehicle and shall confirm
26 the CDL disqualification by mailing the notice of the
27 effective date to the person. However, should the Sworn
28 Report be defective by not containing sufficient information
29 or be completed in error, the confirmation of the CDL
30 disqualification shall not be mailed to the affected person
31 or entered into the record, instead the Sworn Report shall be
32 forwarded to the issuing agency identifying any such defect.

33 (Source: P.A. 90-43, eff. 7-2-97; 91-357, eff. 7-29-99.)

1 (625 ILCS 5/6-520) (from Ch. 95 1/2, par. 6-520)
2 Sec. 6-520. CDL disqualification or out-of-service
3 order; hearing.

4 (a) A disqualification of commercial driving privileges
5 by the Secretary of State, pursuant to this UCDLA, shall not
6 become effective until the person is notified in writing, by
7 the Secretary, of the impending disqualification and advised
8 that a CDL hearing may be requested.

9 (b) Upon receipt of the notice of a CDL disqualification
10 not based upon a conviction, an out-of-service order, or
11 notification that a CDL disqualification is forthcoming, the
12 person may make a written petition in a form, approved by the
13 Secretary of State, for a CDL hearing. Such petition must
14 state the grounds upon which the person seeks to have the CDL
15 disqualification rescinded or the out-of-service order
16 removed from the person's driving record. Within 10 days
17 after the receipt of such petition, it shall be reviewed by
18 the Director of the Department of Administrative Hearings,
19 Office of the Secretary of State, or by an appointed
20 designee. If it is determined that the petition on its face
21 does not state grounds upon which the relief may be based,
22 the petition for a CDL hearing shall be denied and the
23 disqualification shall become effective as if no petition had
24 been filed and the out-of-service order shall be sustained.
25 If such petition is so denied, the person may submit another
26 petition.

27 (c) The scope of a CDL hearing, for any disqualification
28 imposed pursuant to paragraphs (1) and (2) of subsection (a)
29 of Section 6-514 shall be limited to the following issues:

- 30 1. Whether the person was operating a commercial
31 motor vehicle;
- 32 2. Whether, after making the initial stop, the
33 police officer had probable cause to issue a Sworn
34 Report;

1 3. Whether the person was verbally warned of the
2 ensuing consequences prior to submitting to any type of
3 chemical test or tests to determine such person's blood
4 concentration of alcohol, other drug, or both;

5 4. Whether the person did refuse to submit to or
6 failed to complete the chemical testing or did submit to
7 such test or tests and such test or tests disclosed an
8 alcohol concentration of at least 0.04 or any amount of a
9 drug, substance, or compound resulting from the unlawful
10 use or consumption of cannabis listed in the Cannabis
11 Control Act or a controlled substance listed in the
12 Illinois Controlled Substances Act in the person's
13 system;

14 5. Whether the person was warned that if the test
15 or tests disclosed an alcohol concentration of 0.08 or
16 more, or an alcohol concentration of 0.05 or more if
17 subsection (a-1) of Section 11-501 of this Code applies
18 to the person, or any amount of a drug, substance, or
19 compound resulting from the unlawful use or consumption
20 of cannabis listed in the Cannabis Control Act or a
21 controlled substance listed in the Illinois Controlled
22 Substances Act, such results could be admissible in a
23 subsequent prosecution under Section 11-501 of this Code
24 or similar provision of local ordinances; and

25 6. Whether such results could not be used to impose
26 any driver's license sanctions pursuant to Section
27 11-501.1.

28 Upon the conclusion of the above CDL hearing, the CDL
29 disqualification imposed shall either be sustained or
30 rescinded.

31 (d) The scope of a CDL hearing for any out-of-service
32 sanction, imposed pursuant to Section 6-515, shall be limited
33 to the following issues:

34 1. Whether the person was driving a commercial

1 motor vehicle;

2 2. Whether, while driving such commercial motor
3 vehicle, the person had alcohol or any amount of a drug,
4 substance, or compound resulting from the unlawful use
5 or consumption of cannabis listed in the Cannabis Control
6 Act or a controlled substance listed in the Illinois
7 Controlled Substances Act in such person's system;

8 3. Whether the person was verbally warned of the
9 ensuing consequences prior to being asked to submit to
10 any type of chemical test or tests to determine such
11 person's alcohol, other drug, or both, concentration; and

12 4. Whether, after being so warned, the person did
13 refuse to submit to or failed to complete such chemical
14 test or tests or did submit to such test or tests and
15 such test or tests disclosed an alcohol concentration
16 greater than 0.00 or any amount of a drug, substance, or
17 compound resulting from the unlawful use or consumption
18 of cannabis listed in the Cannabis Control Act or a
19 controlled substance listed in the Illinois Controlled
20 Substances Act.

21 Upon the conclusion of the above CDL hearing, the
22 out-of-service sanction shall either be sustained or removed
23 from the person's driving record.

24 (e) If any person petitions for a hearing relating to
25 any CDL disqualification based upon a conviction, as defined
26 in this UCCLA, said hearing shall not be conducted as a CDL
27 hearing, but shall be conducted as any other driver's license
28 hearing, whether formal or informal, as promulgated in the
29 rules and regulations of the Secretary.

30 (f) Any evidence of alcohol or other drug consumption,
31 for the purposes of this UCCLA, shall be sufficient probable
32 cause for requesting the driver to submit to a chemical test
33 or tests to determine the presence of alcohol, other drug, or
34 both in the person's system and the subsequent issuance of an

1 out-of-service order or a Sworn Report by a police officer.

2 (g) For the purposes of this UCCLA, a CDL "hearing"
3 shall mean a hearing before the Office of the Secretary of
4 State in accordance with Section 2-118 of this Code, for the
5 purpose of resolving differences or disputes specifically
6 related to the scope of the issues identified in this
7 Section. These proceedings will be a matter of record and a
8 final appealable order issued. The petition for a CDL
9 hearing shall not stay or delay the effective date of the
10 impending disqualification.

11 (h) The CDL hearing may be conducted upon a review of
12 the police officer's own official reports; provided however,
13 that the petitioner may subpoena the officer. Failure of the
14 officer to answer the subpoena shall be grounds for a
15 continuance.

16 (Source: P.A. 90-43, eff. 7-2-97; 91-357, eff. 7-29-99.)

17 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

18 Sec. 11-500. Definitions. For the purposes of
19 interpreting Sections 6-206.1 and 6-208.1 of this Code,
20 "first offender" shall mean any person who has not had a
21 previous conviction or court assigned supervision for
22 violating Section 11-501, or a similar provision of a local
23 ordinance, or a conviction in any other state for a violation
24 of driving while under the influence or a similar offense
25 where the cause of action is the same or substantially
26 similar to this Code or any person who has not had a driver's
27 license suspension for violating Section 11-501.1 within 5
28 years prior to the date of the current offense, except in
29 cases where the driver submitted to chemical testing
30 resulting in an alcohol concentration of 0.08 or more, or an
31 alcohol concentration of 0.05 or more if subsection (a-1) of
32 Section 11-501 of this Code applies to the person, or any
33 amount of a drug, substance, or compound in such person's

1 blood or urine resulting from the unlawful use or consumption
 2 of cannabis listed in the Cannabis Control Act, a controlled
 3 substance listed in the Illinois Controlled Substances Act,
 4 or an intoxicating compound listed in the Use of Intoxicating
 5 Compounds Act and was subsequently found not guilty of
 6 violating Section 11-501, or a similar provision of a local
 7 ordinance.

8 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99.)

9 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

10 Sec. 11-501. Driving while under the influence of
 11 alcohol, other drug or drugs, intoxicating compound or
 12 compounds or any combination thereof.

13 (a) A person shall not drive or be in actual physical
 14 control of any vehicle within this State while:

15 (1) the alcohol concentration in the person's blood
 16 or breath is 0.08 or more based on the definition of
 17 blood and breath units in Section 11-501.2;

18 (2) under the influence of alcohol;

19 (3) under the influence of any intoxicating
 20 compound or combination of intoxicating compounds to a
 21 degree that renders the person incapable of driving
 22 safely;

23 (4) under the influence of any other drug or
 24 combination of drugs to a degree that renders the person
 25 incapable of safely driving;

26 (5) under the combined influence of alcohol, other
 27 drug or drugs, or intoxicating compound or compounds to a
 28 degree that renders the person incapable of safely
 29 driving; or

30 (6) there is any amount of a drug, substance, or
 31 compound in the person's breath, blood, or urine
 32 resulting from the unlawful use or consumption of
 33 cannabis listed in the Cannabis Control Act, a controlled

1 substance listed in the Illinois Controlled Substances
2 Act, or an intoxicating compound listed in the Use of
3 Intoxicating Compounds Act.

4 (a-1) A person may not drive or be in actual physical
5 control of any vehicle within this State while the alcohol
6 concentration in the person's blood or breath is 0.05 or
7 more, based on the definition of blood and breath units in
8 Section 11-501.2, if the person has been convicted of
9 violating paragraph (1) of subsection (a) of this Section one
10 or more times within 5 years of a previous violation of this
11 Section or a similar provision of a law of another state or a
12 similar provision of a local ordinance.

13 (b) The fact that any person charged with violating this
14 Section is or has been legally entitled to use alcohol, other
15 drug or drugs, or intoxicating compound or compounds, or any
16 combination thereof, shall not constitute a defense against
17 any charge of violating this Section.

18 (c) Except as provided under paragraphs (c-3), (c-4),
19 and (d) of this Section, every person convicted of violating
20 this Section or a similar provision of a local ordinance,
21 shall be guilty of a Class A misdemeanor and, in addition to
22 any other criminal or administrative action, for any second
23 conviction of violating this Section or a similar provision
24 of a law of another state or local ordinance committed within
25 5 years of a previous violation of this Section or a similar
26 provision of a local ordinance shall be mandatorily sentenced
27 to a minimum of 5 days of imprisonment or assigned to a
28 minimum of 30 days of community service as may be determined
29 by the court. Every person convicted of violating this
30 Section or a similar provision of a local ordinance shall be
31 subject to an additional mandatory minimum fine of \$500 and
32 an additional mandatory 5 days of community service in a
33 program benefiting children if the person committed a
34 violation of paragraph (a) or a similar provision of a local

1 ordinance while transporting a person under age 16. Every
2 person convicted a second time for violating this Section or
3 a similar provision of a local ordinance within 5 years of a
4 previous violation of this Section or a similar provision of
5 a law of another state or local ordinance shall be subject to
6 an additional mandatory minimum fine of \$500 and an
7 additional 10 days of mandatory community service in a
8 program benefiting children if the current offense was
9 committed while transporting a person under age 16. The
10 imprisonment or assignment under this subsection shall not be
11 subject to suspension nor shall the person be eligible for
12 probation in order to reduce the sentence or assignment.

13 (c-1) (1) A person who violates this Section during a
14 period in which his or her driving privileges are revoked
15 or suspended, where the revocation or suspension was for
16 a violation of this Section, Section 11-501.1, paragraph
17 (b) of Section 11-401, or Section 9-3 of the Criminal
18 Code of 1961 is guilty of a Class 4 felony.

19 (2) A person who violates this Section a third time
20 during a period in which his or her driving privileges
21 are revoked or suspended where the revocation or
22 suspension was for a violation of this Section, Section
23 11-501.1, paragraph (b) of Section 11-401, or Section 9-3
24 of the Criminal Code of 1961 is guilty of a Class 3
25 felony.

26 (3) A person who violates this Section a fourth or
27 subsequent time during a period in which his or her
28 driving privileges are revoked or suspended where the
29 revocation or suspension was for a violation of this
30 Section, Section 11-501.1, paragraph (b) of Section
31 11-401, or Section 9-3 of the Criminal Code of 1961 is
32 guilty of a Class 2 felony.

33 (c-2) (Blank).

34 (c-3) Every person convicted of violating this Section

1 or a similar provision of a local ordinance who had a child
2 under age 16 in the vehicle at the time of the offense shall
3 have his or her punishment under this Act enhanced by 2 days
4 of imprisonment for a first offense, 10 days of imprisonment
5 for a second offense, 30 days of imprisonment for a third
6 offense, and 90 days of imprisonment for a fourth or
7 subsequent offense, in addition to the fine and community
8 service required under subsection (c) and the possible
9 imprisonment required under subsection (d). The imprisonment
10 or assignment under this subsection shall not be subject to
11 suspension nor shall the person be eligible for probation in
12 order to reduce the sentence or assignment.

13 (c-4) When a person is convicted of violating Section
14 11-501 of this Code or a similar provision of a local
15 ordinance, the following penalties apply when his or her
16 blood, breath, or urine was .16 or more based on the
17 definition of blood, breath, or urine units in Section
18 11-501.2 or when that person is convicted of violating this
19 Section while transporting a child under the age of 16:

20 (1) A person who is convicted of violating
21 subsection (a) of Section 11-501 of this Code a first
22 time, in addition to any other penalty that may be
23 imposed under subsection (c), is subject to a mandatory
24 minimum of 100 hours of community service and a minimum
25 fine of \$500.

26 (2) A person who is convicted of violating
27 subsection (a) of Section 11-501 of this Code a second
28 time within 10 years, in addition to any other penalty
29 that may be imposed under subsection (c), is subject to a
30 mandatory minimum of 2 days of imprisonment and a minimum
31 fine of \$1,250.

32 (3) A person who is convicted of violating
33 subsection (a) of Section 11-501 of this Code a third
34 time within 20 years is guilty of a Class 4 felony and,

1 in addition to any other penalty that may be imposed
2 under subsection (c), is subject to a mandatory minimum
3 of 90 days of imprisonment and a minimum fine of \$2,500.

4 (4) A person who is convicted of violating this
5 subsection (c-4) a fourth or subsequent time is guilty of
6 a Class 2 felony and, in addition to any other penalty
7 that may be imposed under subsection (c), is not eligible
8 for a sentence of probation or conditional discharge and
9 is subject to a minimum fine of \$2,500.

10 (d) (1) Every person convicted of committing a violation
11 of this Section shall be guilty of aggravated driving
12 under the influence of alcohol, other drug or drugs, or
13 intoxicating compound or compounds, or any combination
14 thereof if:

15 (A) the person committed a violation of this
16 Section, or a similar provision of a law of another
17 state or a local ordinance when the cause of action
18 is the same as or substantially similar to this
19 Section, for the third or subsequent time;

20 (B) the person committed a violation of
21 paragraph (a) while driving a school bus with
22 children on board;

23 (C) the person in committing a violation of
24 paragraph (a) was involved in a motor vehicle
25 accident that resulted in great bodily harm or
26 permanent disability or disfigurement to another,
27 when the violation was a proximate cause of the
28 injuries;

29 (D) the person committed a violation of
30 paragraph (a) for a second time and has been
31 previously convicted of violating Section 9-3 of the
32 Criminal Code of 1961 relating to reckless homicide
33 in which the person was determined to have been
34 under the influence of alcohol, other drug or drugs,

1 or intoxicating compound or compounds as an element
2 of the offense or the person has previously been
3 convicted under subparagraph (C) of this paragraph
4 (1); or

5 (E) the person, in committing a violation of
6 paragraph (a) while driving at any speed in a school
7 speed zone at a time when a speed limit of 20 miles
8 per hour was in effect under subsection (a) of
9 Section 11-605 of this Code, was involved in a motor
10 vehicle accident that resulted in bodily harm, other
11 than great bodily harm or permanent disability or
12 disfigurement, to another person, when the violation
13 of paragraph (a) was a proximate cause of the bodily
14 harm.

15 (2) Aggravated driving under the influence of
16 alcohol, other drug or drugs, or intoxicating compound or
17 compounds, or any combination thereof is a Class 4
18 felony. For a violation of subparagraph (C) of paragraph
19 (1) of this subsection (d), the defendant, if sentenced
20 to a term of imprisonment, shall be sentenced to not less
21 than one year nor more than 12 years. For any
22 prosecution under this subsection (d), a certified copy
23 of the driving abstract of the defendant shall be
24 admitted as proof of any prior conviction.

25 (e) After a finding of guilt and prior to any final
26 sentencing, or an order for supervision, for an offense based
27 upon an arrest for a violation of this Section or a similar
28 provision of a local ordinance, individuals shall be required
29 to undergo a professional evaluation to determine if an
30 alcohol, drug, or intoxicating compound abuse problem exists
31 and the extent of the problem, and undergo the imposition of
32 treatment as appropriate. Programs conducting these
33 evaluations shall be licensed by the Department of Human
34 Services. The cost of any professional evaluation shall be

1 paid for by the individual required to undergo the
2 professional evaluation.

3 (f) Every person found guilty of violating this Section,
4 whose operation of a motor vehicle while in violation of this
5 Section proximately caused any incident resulting in an
6 appropriate emergency response, shall be liable for the
7 expense of an emergency response as provided under Section
8 5-5-3 of the Unified Code of Corrections.

9 (g) The Secretary of State shall revoke the driving
10 privileges of any person convicted under this Section or a
11 similar provision of a local ordinance.

12 (h) Every person sentenced under paragraph (2) or (3) of
13 subsection (c-1) of this Section or subsection (d) of this
14 Section and who receives a term of probation or conditional
15 discharge shall be required to serve a minimum term of either
16 60 days community service or 10 days of imprisonment as a
17 condition of the probation or conditional discharge. This
18 mandatory minimum term of imprisonment or assignment of
19 community service shall not be suspended and shall not be
20 subject to reduction by the court.

21 (i) The Secretary of State shall require the use of
22 ignition interlock devices on all vehicles owned by an
23 individual who has been convicted of a second or subsequent
24 offense of this Section or a similar provision of a local
25 ordinance. The Secretary shall establish by rule and
26 regulation the procedures for certification and use of the
27 interlock system.

28 (j) In addition to any other penalties and liabilities,
29 a person who is found guilty of or pleads guilty to violating
30 this Section, including any person placed on court
31 supervision for violating this Section, shall be fined \$100,
32 payable to the circuit clerk, who shall distribute the money
33 to the law enforcement agency that made the arrest. If the
34 person has been previously convicted of violating this

1 Section or a similar provision of a local ordinance, the fine
2 shall be \$200. In the event that more than one agency is
3 responsible for the arrest, the \$100 or \$200 shall be shared
4 equally. Any moneys received by a law enforcement agency
5 under this subsection (j) shall be used to purchase law
6 enforcement equipment that will assist in the prevention of
7 alcohol related criminal violence throughout the State. This
8 shall include, but is not limited to, in-car video cameras,
9 radar and laser speed detection devices, and alcohol breath
10 testers. Any moneys received by the Department of State
11 Police under this subsection (j) shall be deposited into the
12 State Police DUI Fund and shall be used to purchase law
13 enforcement equipment that will assist in the prevention of
14 alcohol related criminal violence throughout the State.

15 (Source: P.A. 91-126, eff. 7-16-99; 91-357, eff. 7-29-99;
16 91-692, eff. 4-13-00; 91-822, eff. 6-13-00; 92-248, eff.
17 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429,
18 eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02.)

19 (625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)

20 Sec. 11-501.1. Suspension of drivers license; statutory
21 summary alcohol, other drug or drugs, or intoxicating
22 compound or compounds related suspension; implied consent.

23 (a) Any person who drives or is in actual physical
24 control of a motor vehicle upon the public highways of this
25 State shall be deemed to have given consent, subject to the
26 provisions of Section 11-501.2, to a chemical test or tests
27 of blood, breath, or urine for the purpose of determining the
28 content of alcohol, other drug or drugs, or intoxicating
29 compound or compounds or any combination thereof in the
30 person's blood if arrested, as evidenced by the issuance of a
31 Uniform Traffic Ticket, for any offense as defined in Section
32 11-501 or a similar provision of a local ordinance. The test
33 or tests shall be administered at the direction of the

1 arresting officer. The law enforcement agency employing the
2 officer shall designate which of the aforesaid tests shall be
3 administered. A urine test may be administered even after a
4 blood or breath test or both has been administered. For
5 purposes of this Section, an Illinois law enforcement officer
6 of this State who is investigating the person for any offense
7 defined in Section 11-501 may travel into an adjoining state,
8 where the person has been transported for medical care, to
9 complete an investigation and to request that the person
10 submit to the test or tests set forth in this Section. The
11 requirements of this Section that the person be arrested are
12 inapplicable, but the officer shall issue the person a
13 Uniform Traffic Ticket for an offense as defined in Section
14 11-501 or a similar provision of a local ordinance prior to
15 requesting that the person submit to the test or tests. The
16 issuance of the Uniform Traffic Ticket shall not constitute
17 an arrest, but shall be for the purpose of notifying the
18 person that he or she is subject to the provisions of this
19 Section and of the officer's belief of the existence of
20 probable cause to arrest. Upon returning to this State, the
21 officer shall file the Uniform Traffic Ticket with the
22 Circuit Clerk of the county where the offense was committed,
23 and shall seek the issuance of an arrest warrant or a summons
24 for the person.

25 (b) Any person who is dead, unconscious, or who is
26 otherwise in a condition rendering the person incapable of
27 refusal, shall be deemed not to have withdrawn the consent
28 provided by paragraph (a) of this Section and the test or
29 tests may be administered, subject to the provisions of
30 Section 11-501.2.

31 (c) A person requested to submit to a test as provided
32 above shall be warned by the law enforcement officer
33 requesting the test that a refusal to submit to the test will
34 result in the statutory summary suspension of the person's

1 privilege to operate a motor vehicle as provided in Section
2 6-208.1 of this Code. The person shall also be warned by the
3 law enforcement officer that if the person submits to the
4 test or tests provided in paragraph (a) of this Section and
5 the alcohol concentration in the person's blood or breath is
6 0.08 or greater, or the alcohol concentration in the person's
7 blood or breath is 0.05 or greater if subsection (a-1) of
8 Section 11-501 of this Code applies to the person, or any
9 amount of a drug, substance, or compound resulting from the
10 unlawful use or consumption of cannabis as covered by the
11 Cannabis Control Act, a controlled substance listed in the
12 Illinois Controlled Substances Act, or an intoxicating
13 compound listed in the Use of Intoxicating Compounds Act is
14 detected in the person's blood or urine, a statutory summary
15 suspension of the person's privilege to operate a motor
16 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this
17 Code, will be imposed.

18 A person who is under the age of 21 at the time the
19 person is requested to submit to a test as provided above
20 shall, in addition to the warnings provided for in this
21 Section, be further warned by the law enforcement officer
22 requesting the test that if the person submits to the test or
23 tests provided in paragraph (a) of this Section and the
24 alcohol concentration in the person's blood or breath is
25 greater than 0.00 and less than 0.08, a suspension of the
26 person's privilege to operate a motor vehicle, as provided
27 under Sections 6-208.2 and 11-501.8 of this Code, will be
28 imposed. The results of this test shall be admissible in a
29 civil or criminal action or proceeding arising from an arrest
30 for an offense as defined in Section 11-501 of this Code or a
31 similar provision of a local ordinance or pursuant to Section
32 11-501.4 in prosecutions for reckless homicide brought under
33 the Criminal Code of 1961. These test results, however, shall
34 be admissible only in actions or proceedings directly related

1 to the incident upon which the test request was made.

2 (d) If the person refuses testing or submits to a test
3 that discloses an alcohol concentration of 0.08 or more, or
4 any amount of a drug, substance, or intoxicating compound in
5 the person's breath, blood, or urine resulting from the
6 unlawful use or consumption of cannabis listed in the
7 Cannabis Control Act, a controlled substance listed in the
8 Illinois Controlled Substances Act, or an intoxicating
9 compound listed in the Use of Intoxicating Compounds Act, the
10 law enforcement officer shall immediately submit a sworn
11 report to the circuit court of venue and the Secretary of
12 State, certifying that the test or tests was or were
13 requested under paragraph (a) and the person refused to
14 submit to a test, or tests, or submitted to testing that
15 disclosed an alcohol concentration of 0.08 or more, or an
16 alcohol concentration of 0.05 or more if subsection (a-1) of
17 Section 11-501 of this Code applies to the person.

18 (e) Upon receipt of the sworn report of a law
19 enforcement officer submitted under paragraph (d), the
20 Secretary of State shall enter the statutory summary
21 suspension for the periods specified in Section 6-208.1, and
22 effective as provided in paragraph (g).

23 If the person is a first offender as defined in Section
24 11-500 of this Code, and is not convicted of a violation of
25 Section 11-501 of this Code or a similar provision of a local
26 ordinance, then reports received by the Secretary of State
27 under this Section shall, except during the actual time the
28 Statutory Summary Suspension is in effect, be privileged
29 information and for use only by the courts, police officers,
30 prosecuting authorities or the Secretary of State.

31 (f) The law enforcement officer submitting the sworn
32 report under paragraph (d) shall serve immediate notice of
33 the statutory summary suspension on the person and the
34 suspension shall be effective as provided in paragraph (g).

1 In cases where the blood alcohol concentration of 0.08 or
2 greater, or 0.05 or greater if subsection (a-1) of Section
3 11-501 of this Code applies to the person, or any amount of a
4 drug, substance, or compound resulting from the unlawful use
5 or consumption of cannabis as covered by the Cannabis Control
6 Act, a controlled substance listed in the Illinois Controlled
7 Substances Act, or an intoxicating compound listed in the Use
8 of Intoxicating Compounds Act is established by a subsequent
9 analysis of blood or urine collected at the time of arrest,
10 the arresting officer or arresting agency shall give notice
11 as provided in this Section or by deposit in the United
12 States mail of the notice in an envelope with postage prepaid
13 and addressed to the person at his address as shown on the
14 Uniform Traffic Ticket and the statutory summary suspension
15 shall begin as provided in paragraph (g). The officer shall
16 confiscate any Illinois driver's license or permit on the
17 person at the time of arrest. If the person has a valid
18 driver's license or permit, the officer shall issue the
19 person a receipt, in a form prescribed by the Secretary of
20 State, that will allow that person to drive during the
21 periods provided for in paragraph (g). The officer shall
22 immediately forward the driver's license or permit to the
23 circuit court of venue along with the sworn report provided
24 for in paragraph (d).

25 (g) The statutory summary suspension referred to in this
26 Section shall take effect on the 46th day following the date
27 the notice of the statutory summary suspension was given to
28 the person.

29 (h) The following procedure shall apply whenever a
30 person is arrested for any offense as defined in Section
31 11-501 or a similar provision of a local ordinance:

32 Upon receipt of the sworn report from the law enforcement
33 officer, the Secretary of State shall confirm the statutory
34 summary suspension by mailing a notice of the effective date

1 of the suspension to the person and the court of venue.
2 However, should the sworn report be defective by not
3 containing sufficient information or be completed in error,
4 the confirmation of the statutory summary suspension shall
5 not be mailed to the person or entered to the record;
6 instead, the sworn report shall be forwarded to the court of
7 venue with a copy returned to the issuing agency identifying
8 any defect.

9 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99;
10 91-357, eff. 7-29-99.)

11 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

12 Sec. 11-501.2. Chemical and other tests.

13 (a) Upon the trial of any civil or criminal action or
14 proceeding arising out of an arrest for an offense as defined
15 in Section 11-501 or a similar local ordinance or proceedings
16 pursuant to Section 2-118.1, evidence of the concentration of
17 alcohol, other drug or drugs, or intoxicating compound or
18 compounds, or any combination thereof in a person's blood or
19 breath at the time alleged, as determined by analysis of the
20 person's blood, urine, breath or other bodily substance,
21 shall be admissible. Where such test is made the following
22 provisions shall apply:

23 1. Chemical analyses of the person's blood, urine,
24 breath or other bodily substance to be considered valid
25 under the provisions of this Section shall have been
26 performed according to standards promulgated by the
27 Department of State Police by a licensed physician,
28 registered nurse, trained phlebotomist acting under the
29 direction of a licensed physician, certified paramedic,
30 or other individual possessing a valid permit issued by
31 that Department for this purpose. The Director of State
32 Police is authorized to approve satisfactory techniques
33 or methods, to ascertain the qualifications and

1 competence of individuals to conduct such analyses, to
2 issue permits which shall be subject to termination or
3 revocation at the discretion of that Department and to
4 certify the accuracy of breath testing equipment. The
5 Department of State Police shall prescribe regulations as
6 necessary to implement this Section.

7 2. When a person in this State shall submit to a
8 blood test at the request of a law enforcement officer
9 under the provisions of Section 11-501.1, only a
10 physician authorized to practice medicine, a registered
11 nurse, trained phlebotomist, or certified paramedic, or
12 other qualified person approved by the Department of
13 State Police may withdraw blood for the purpose of
14 determining the alcohol, drug, or alcohol and drug
15 content therein. This limitation shall not apply to the
16 taking of breath or urine specimens.

17 When a blood test of a person who has been taken to
18 an adjoining state for medical treatment is requested by
19 an Illinois law enforcement officer, the blood may be
20 withdrawn only by a physician authorized to practice
21 medicine in the adjoining state, a registered nurse, a
22 trained phlebotomist acting under the direction of the
23 physician, or certified paramedic. The law enforcement
24 officer requesting the test shall take custody of the
25 blood sample, and the blood sample shall be analyzed by a
26 laboratory certified by the Department of State Police
27 for that purpose.

28 3. The person tested may have a physician, or a
29 qualified technician, chemist, registered nurse, or other
30 qualified person of their own choosing administer a
31 chemical test or tests in addition to any administered at
32 the direction of a law enforcement officer. The failure
33 or inability to obtain an additional test by a person
34 shall not preclude the admission of evidence relating to

1 the test or tests taken at the direction of a law
2 enforcement officer.

3 4. Upon the request of the person who shall submit
4 to a chemical test or tests at the request of a law
5 enforcement officer, full information concerning the test
6 or tests shall be made available to the person or such
7 person's attorney.

8 5. Alcohol concentration shall mean either grams of
9 alcohol per 100 milliliters of blood or grams of alcohol
10 per 210 liters of breath.

11 (b) Upon the trial of any civil or criminal action or
12 proceeding arising out of acts alleged to have been committed
13 by any person while driving or in actual physical control of
14 a vehicle while under the influence of alcohol, the
15 concentration of alcohol in the person's blood or breath at
16 the time alleged as shown by analysis of the person's blood,
17 urine, breath, or other bodily substance shall give rise to
18 the following presumptions:

19 1. If there was at that time an alcohol
20 concentration of 0.05 or less, and subsection (a-1) of
21 Section 11-501 of this Code does not apply to the person,
22 it shall be presumed that the person was not under the
23 influence of alcohol.

24 2. If there was at that time an alcohol
25 concentration in excess of 0.05 but less than 0.08, and
26 subsection (a-1) of Section 11-501 of this Code does not
27 apply to the person, such facts shall not give rise to
28 any presumption that the person was or was not under the
29 influence of alcohol, but such fact may be considered
30 with other competent evidence in determining whether the
31 person was under the influence of alcohol.

32 3. If there was at that time an alcohol
33 concentration of 0.08 or more, or 0.05 or more if
34 subsection (a-1) of Section 11-501 of this Code applies

1 to the person, it shall be presumed that the person was
2 under the influence of alcohol.

3 4. The foregoing provisions of this Section shall
4 not be construed as limiting the introduction of any
5 other relevant evidence bearing upon the question whether
6 the person was under the influence of alcohol.

7 (c) 1. If a person under arrest refuses to submit to a
8 chemical test under the provisions of Section 11-501.1,
9 evidence of refusal shall be admissible in any civil or
10 criminal action or proceeding arising out of acts alleged to
11 have been committed while the person under the influence of
12 alcohol, other drug or drugs, or intoxicating compound or
13 compounds, or any combination thereof was driving or in
14 actual physical control of a motor vehicle.

15 2. Notwithstanding any ability to refuse under this
16 Code to submit to these tests or any ability to revoke
17 the implied consent to these tests, if a law enforcement
18 officer has probable cause to believe that a motor
19 vehicle driven by or in actual physical control of a
20 person under the influence of alcohol, other drug or
21 drugs, or intoxicating compound or compounds, or any
22 combination thereof has caused the death or personal
23 injury to another, that person shall submit, upon the
24 request of a law enforcement officer, to a chemical test
25 or tests of his or her blood, breath or urine for the
26 purpose of determining the alcohol content thereof or the
27 presence of any other drug or combination of both.

28 This provision does not affect the applicability of or
29 imposition of driver's license sanctions under Section
30 11-501.1 of this Code.

31 3. For purposes of this Section, a personal injury
32 includes any Type A injury as indicated on the traffic
33 accident report completed by a law enforcement officer
34 that requires immediate professional attention in either

1 a doctor's office or a medical facility. A Type A injury
2 includes severe bleeding wounds, distorted extremities,
3 and injuries that require the injured party to be carried
4 from the scene.

5 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99;
6 91-828, eff. 1-1-01.)

7 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)
8 Sec. 11-501.6. Driver involvement in personal injury or
9 fatal motor vehicle accident - chemical test.

10 (a) Any person who drives or is in actual control of a
11 motor vehicle upon the public highways of this State and who
12 has been involved in a personal injury or fatal motor vehicle
13 accident, shall be deemed to have given consent to a breath
14 test using a portable device as approved by the Department of
15 State Police or to a chemical test or tests of blood, breath,
16 or urine for the purpose of determining the content of
17 alcohol, other drug or drugs, or intoxicating compound or
18 compounds of such person's blood if arrested as evidenced by
19 the issuance of a Uniform Traffic Ticket for any violation of
20 the Illinois Vehicle Code or a similar provision of a local
21 ordinance, with the exception of equipment violations
22 contained in Chapter 12 of this Code, or similar provisions
23 of local ordinances. The test or tests shall be administered
24 at the direction of the arresting officer. The law
25 enforcement agency employing the officer shall designate
26 which of the aforesaid tests shall be administered. A urine
27 test may be administered even after a blood or breath test or
28 both has been administered. Compliance with this Section
29 does not relieve such person from the requirements of Section
30 11-501.1 of this Code.

31 (b) Any person who is dead, unconscious or who is
32 otherwise in a condition rendering such person incapable of
33 refusal shall be deemed not to have withdrawn the consent

1 provided by subsection (a) of this Section. In addition, if
2 a driver of a vehicle is receiving medical treatment as a
3 result of a motor vehicle accident, any physician licensed to
4 practice medicine, registered nurse or a phlebotomist acting
5 under the direction of a licensed physician shall withdraw
6 blood for testing purposes to ascertain the presence of
7 alcohol, other drug or drugs, or intoxicating compound or
8 compounds, upon the specific request of a law enforcement
9 officer. However, no such testing shall be performed until,
10 in the opinion of the medical personnel on scene, the
11 withdrawal can be made without interfering with or
12 endangering the well-being of the patient.

13 (c) A person requested to submit to a test as provided
14 above shall be warned by the law enforcement officer
15 requesting the test that a refusal to submit to the test, or
16 submission to the test resulting in an alcohol concentration
17 of 0.08 or more, or an alcohol concentration of 0.05 or more
18 if subsection (a-1) of Section 11-501 of this Code applies to
19 the person, or any amount of a drug, substance, or
20 intoxicating compound resulting from the unlawful use or
21 consumption of cannabis, as covered by the Cannabis Control
22 Act, a controlled substance listed in the Illinois Controlled
23 Substances Act, or an intoxicating compound listed in the Use
24 of Intoxicating Compounds Act as detected in such person's
25 blood or urine, may result in the suspension of such person's
26 privilege to operate a motor vehicle. The length of the
27 suspension shall be the same as outlined in Section 6-208.1
28 of this Code regarding statutory summary suspensions.

29 (d) If the person refuses testing or submits to a test
30 which discloses an alcohol concentration of 0.08 or more, or
31 0.05 or more if subsection (a-1) of Section 11-501 of this
32 Code applies to the person, or any amount of a drug,
33 substance, or intoxicating compound in such person's blood or
34 urine resulting from the unlawful use or consumption of

1 cannabis listed in the Cannabis Control Act, a controlled
2 substance listed in the Illinois Controlled Substances Act,
3 or an intoxicating compound listed in the Use of Intoxicating
4 Compounds Act, the law enforcement officer shall immediately
5 submit a sworn report to the Secretary of State on a form
6 prescribed by the Secretary, certifying that the test or
7 tests were requested pursuant to subsection (a) and the
8 person refused to submit to a test or tests or submitted to
9 testing which disclosed an alcohol concentration of 0.08 or
10 more, or 0.05 or more if subsection (a-1) of Section 11-501
11 of this Code applies to the person, or any amount of a drug,
12 substance, or intoxicating compound in such person's blood or
13 urine, resulting from the unlawful use or consumption of
14 cannabis listed in the Cannabis Control Act, a controlled
15 substance listed in the Illinois Controlled Substances Act,
16 or an intoxicating compound listed in the Use of Intoxicating
17 Compounds Act.

18 Upon receipt of the sworn report of a law enforcement
19 officer, the Secretary shall enter the suspension to the
20 individual's driving record and the suspension shall be
21 effective on the 46th day following the date notice of the
22 suspension was given to the person.

23 The law enforcement officer submitting the sworn report
24 shall serve immediate notice of this suspension on the person
25 and such suspension shall be effective on the 46th day
26 following the date notice was given.

27 In cases where the blood alcohol concentration of 0.08 or
28 more, or 0.05 or more if subsection (a-1) of Section 11-501
29 of this Code applies to the person, or any amount of a drug,
30 substance, or intoxicating compound resulting from the
31 unlawful use or consumption of cannabis as listed in the
32 Cannabis Control Act, a controlled substance listed in the
33 Illinois Controlled Substances Act, or an intoxicating
34 compound listed in the Use of Intoxicating Compounds Act, is

1 established by a subsequent analysis of blood or urine
2 collected at the time of arrest, the arresting officer shall
3 give notice as provided in this Section or by deposit in the
4 United States mail of such notice in an envelope with postage
5 prepaid and addressed to such person at his address as shown
6 on the Uniform Traffic Ticket and the suspension shall be
7 effective on the 46th day following the date notice was
8 given.

9 Upon receipt of the sworn report of a law enforcement
10 officer, the Secretary shall also give notice of the
11 suspension to the driver by mailing a notice of the effective
12 date of the suspension to the individual. However, should
13 the sworn report be defective by not containing sufficient
14 information or be completed in error, the notice of the
15 suspension shall not be mailed to the person or entered to
16 the driving record, but rather the sworn report shall be
17 returned to the issuing law enforcement agency.

18 (e) A driver may contest this suspension of his driving
19 privileges by requesting an administrative hearing with the
20 Secretary in accordance with Section 2-118 of this Code. At
21 the conclusion of a hearing held under Section 2-118 of this
22 Code, the Secretary may rescind, continue, or modify the
23 order of suspension. If the Secretary does not rescind the
24 order, a restricted driving permit may be granted by the
25 Secretary upon application being made and good cause shown.
26 A restricted driving permit may be granted to relieve undue
27 hardship to allow driving for employment, educational, and
28 medical purposes as outlined in Section 6-206 of this Code.
29 The provisions of Section 6-206 of this Code shall apply.

30 (f) (Blank).

31 (g) For the purposes of this Section, a personal injury
32 shall include any type A injury as indicated on the traffic
33 accident report completed by a law enforcement officer that
34 requires immediate professional attention in either a

1 doctor's office or a medical facility. A type A injury shall
2 include severely bleeding wounds, distorted extremities, and
3 injuries that require the injured party to be carried from
4 the scene.

5 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99;
6 91-357, eff. 7-29-99; 91-828, eff. 1-1-01.)

7 Section 10. The Criminal Code of 1961 is amended by
8 changing Section 9-3 as follows:

9 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

10 Sec. 9-3. Involuntary Manslaughter and Reckless
11 Homicide.

12 (a) A person who unintentionally kills an individual
13 without lawful justification commits involuntary manslaughter
14 if his acts whether lawful or unlawful which cause the death
15 are such as are likely to cause death or great bodily harm to
16 some individual, and he performs them recklessly, except in
17 cases in which the cause of the death consists of the driving
18 of a motor vehicle or operating a snowmobile, all-terrain
19 vehicle, or watercraft, in which case the person commits
20 reckless homicide.

21 (b) In cases involving reckless homicide, being under
22 the influence of alcohol or any other drug or drugs at the
23 time of the alleged violation shall be presumed to be
24 evidence of a reckless act unless disproved by evidence to
25 the contrary.

26 (c) For the purposes of this Section, a person shall be
27 considered to be under the influence of alcohol or other
28 drugs while:

29 1. The alcohol concentration in the person's blood
30 or breath is 0.08 or more based on the definition of
31 blood and breath units in Section 11-501.2 of the
32 Illinois Vehicle Code, or the alcohol concentration is

1 0.05 or more if subsection (a-1) of Section 11-501 of the
2 Illinois Vehicle Code applies to the person;

3 2. Under the influence of alcohol to a degree that
4 renders the person incapable of safely driving a motor
5 vehicle or operating a snowmobile, all-terrain vehicle,
6 or watercraft;

7 3. Under the influence of any other drug or
8 combination of drugs to a degree that renders the person
9 incapable of safely driving a motor vehicle or operating
10 a snowmobile, all-terrain vehicle, or watercraft; or

11 4. Under the combined influence of alcohol and any
12 other drug or drugs to a degree which renders the person
13 incapable of safely driving a motor vehicle or operating
14 a snowmobile, all-terrain vehicle, or watercraft.

15 (d) Sentence.

16 (1) Involuntary manslaughter is a Class 3 felony.

17 (2) Reckless homicide is a Class 3 felony.

18 (e) Except as otherwise provided in subsection (e-5), in
19 cases involving reckless homicide in which the defendant was
20 determined to have been under the influence of alcohol or any
21 other drug or drugs as an element of the offense, or in cases
22 in which the defendant is proven beyond a reasonable doubt to
23 have been under the influence of alcohol or any other drug or
24 drugs, the penalty shall be a Class 2 felony, for which a
25 person, if sentenced to a term of imprisonment, shall be
26 sentenced to a term of not less than 3 years and not more
27 than 14 years.

28 (e-5) In cases involving reckless homicide in which the
29 defendant was determined to have been under the influence of
30 alcohol or any other drug or drugs as an element of the
31 offense, or in cases in which the defendant is proven beyond
32 a reasonable doubt to have been under the influence of
33 alcohol or any other drug or drugs, if the defendant kills 2
34 or more individuals as part of a single course of conduct,

1 the penalty is a Class 2 felony, for which a person, if
2 sentenced to a term of imprisonment, shall be sentenced to a
3 term of not less than 6 years and not more than 28 years.

4 (f) In cases involving involuntary manslaughter in which
5 the victim was a family or household member as defined in
6 paragraph (3) of Section 112A-3 of the Code of Criminal
7 Procedure of 1963, the penalty shall be a Class 2 felony, for
8 which a person if sentenced to a term of imprisonment, shall
9 be sentenced to a term of not less than 3 years and not more
10 than 14 years.

11 (Source: P.A. 91-6, eff. 1-1-00; 91-122, eff. 1-1-00; 92-16,
12 eff. 6-28-01.)